

23.08.2023
Item No.45
Crt.No.22
b.r.

WPA 8335 of 2019

Jharna Rani Bar
-vs-
The State of West Bengal & Ors.

Mr. A.K. Gayen
Ms. A.A. Gayen
..... for the petitioner.

Mr. Moloy Singh
Mr. Ranjan Saha
Mr. Tapas Ballav Mandal
..... for the State.

Affidavit of service filed in Court today be retained with the record.

The order impugned in this writ petition is dated **February 20, 2019** passed by the **respondent no.3 annexure p-12 at page 77** to the writ petition.

A plain and meaningful reading of the order impugned order would make it obvious that no reason has been ascribed in support of the decision taken by the respondent no.3 through the said impugned order dated **February 20, 2019**.

The settled principle of law is that whenever an issue is to be decided even by an executive the decision must come with reason in support.

Any decision devoid of reason at the threshold vitiates the said decision.

For the reasons stated above, this Court is of the view that, it is not required to discuss the facts in the case.

In view of the above, the impugned order dated **February 20, 2019 annexure p-12 at page 77** to the writ petition stands set **aside and quashed**.

The matter is remanded back before the respondent no.3 to revisit the issue strictly in terms of the previous order dated **December 10, 2018** passed by a co-ordinate Bench in **WP 8918(W) of 2018**.

The respondent no.3 shall carry out and complete entire exercise as directed in the said order dated December 10, 2018 positively within a period of **four weeks** from the date of communication of this order. The respondent no.3 shall then communicate this reasoned order to the writ petitioner and all concern within a further period of **two weeks** from the date of said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the case in any manner whatsoever.

In the event the reasoned order goes in favour of the petitioner, the **respondent no.3** and all other authorities shall give effect thereto with all consequential benefits to the petitioner positively within a period of **four weeks** from the date of communication of the said order to the petitioner as directed above.

On the above terms and with the above directions, this writ petition, **WPA 8335 of 2019 stands allowed** without order as to costs.

Parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)